

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00075

JOSHUA NEAL MCVEY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On May 11, 2021, the United States of America appeared by Andrew J. Tessman, Assistant United States Attorney, and the defendant, Joshua Neal McVey, appeared in person and by his counsel, Brady A. Campbell, Esq., for a hearing on a petition seeking revocation of supervised release, submitted by United States Probation Officer Justin Gibson. The defendant commenced a twenty-four (24) month less one (1) day term of supervised release in this action on June 10, 2020, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 18, 2019.

The court heard the admissions of the defendant and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to submit monthly reports for the months of October, November and December, 2020, and for the months of January and February, 2021, (2) on August 6, 2020, the defendant submitted a urine specimen which tested positive for methamphetamine and amphetamine, and on August 20, 2020, the defendant submitted a urine specimen which tested positive for amphetamine, and for which the defendant later admitted to the probation officer he had used methamphetamine on or about the date of the August 20, 2020, urine screen, and on February 17, 2021, the defendant admitted that he used methamphetamine on February 15, 2021, (3) in August, 2020, the defendant was instructed to participate in individual substance abuse counseling sessions twice a month and failed to attend any scheduled counseling sessions for the months of November and December 2020, and the month of January 2021, (4) on August 4, 2020, the defendant failed to submit a urine screen as instructed by the probation officer, and (5) the defendant, after being directed by the probation officer to provide urine

screens four time per month randomly, failed to submit urine specimens on December 16 and December 18, 2020, and January 8, January 13, February 9, and March 5, 2021; all as admitted on the record of the hearing by the defendant, with the exception of the March 5, 2021, urine collection, and all as set forth in the petition, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

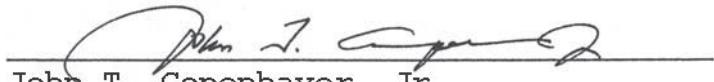
And the court having complied with the requirements of Rule 32.1(b) (2) and (c) (1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a

period of TWELVE (12) MONTHS less one day, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 17, 2021

  
John T. Copenhaver, Jr.  
Senior United States District Judge